

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CARL ANDRE MOORE, #234270,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:05-cv-669-F
)	
BOB RILEY, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

On August 2, 2005, Joe Ranger Pickett (hereinafter "Pickett") filed a Writ of Mandamus wherein he argues that United States Chief Magistrate Judge Charles S. Coody has no authority to issue orders or recommendations in this lawsuit without the consent of the plaintiff. (Doc. # 6.) In the Writ of Mandamus, Pickett requests that this Court strike the previous orders entered by United States Chief Magistrate Judge Charles S. Coody. (*See* Docs. # 2-4, Orders dated July 26, 2005.) In the event that the Writ is denied, Pickett requests that this Court allow him to pursue an interlocutory appeal on this issue. (Doc. # 6, p. 4.)

Upon consideration of the Writ of Mandamus and the arguments asserted therein, it is hereby ORDERED as follows:

1. The Writ of Mandamus is DENIED. United States Chief Magistrate Judge Charles S. Coody has full authority to hear and determine any pretrial matter, and take the appropriate action or make a proper recommendation in this

lawsuit as stated in 28 U.S.C. § 636(b)(1). *See* Local Rule 72.2.

2. Due to Pickett's request for an interlocutory appeal (Doc. # 6), the Court hereby CONSTRUES the Writ of Mandamus as including a Motion for Interlocutory Appeal.
3. The Motion for Interlocutory Appeal is DENIED. The orders of United States Chief Magistrate Judge Charles S. Coody were non-dispositive and are not appealable to the Court of Appeals. *See* 28 U.S.C. § 1292(a). Furthermore, the Court finds no extraordinary circumstances in this case to warrant an exception so as to allow an interlocutory appeal on said orders. *See* 28 U.S.C. § 1292(b).
4. This case is hereby REFERRED back to United States Chief Magistrate Judge Charles S. Coody for appropriate action or recommendation on all pretrial matters.

DONE this 17th day of August, 2005.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE